

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In the Matter of

ANN MICHELLE WEST,

Debtor.

Chapter 7
Case No. 817-71075-reg

ORDER

KENNETH KIRSCHENBAUM, as Chapter 7
Trustee for the Estate of Ann Michelle West,

Plaintiff,

-against-

Adv. Pro. No. 818-08089-reg

BLAIR WEST,

Defendant.

Kenneth Kirschenbaum, Chapter 7 Trustee (the “Trustee”) for the Estate of Ann Michelle West (the “Debtor”), by his attorneys, Kirschenbaum & Kirschenbaum, P.C., having moved this Court by Notice of Motion (the “Motion”), dated August 13, 2018, for an order:

(a) pursuant to Rule 55 of the Federal Rules of Civil Procedure, made applicable through Rule 7055 of the Federal Rules of Bankruptcy Procedure, directing the entry of a default judgment against Blair West (the “Defendant”) awarding the relief sought in the complaint (the “Complaint”) in the above-captioned adversary proceeding; and

(b) granting such other and further relief as is just and appropriate,
and proof of service of the Motion upon the Defendant having been filed, and the Defendant’s default in answering or otherwise moving with respect to the Complaint having been noted on the Clerk’s docket on July 23, 2018, and no written opposition to the Motion having been filed, and the matter having come on to be heard before the Honorable Robert E. Grossman, United States Bankruptcy Judge, on September 17, 2018, and Steven B. Sheinwald, Esq., of

Kirschenbaum & Kirschenbaum, P.C., having appeared on behalf of the Trustee in support of the Motion, and no one having appeared in opposition to the Motion, and after due deliberation by this Court, it is

ORDERED, that the Motion is granted; and it is further

ORDERED, that Judgment shall be entered in favor of the Trustee and against the Defendant: (a) authorizing the Trustee, pursuant to 11 U.S.C. § 363(h), to sell both the Estate's and the non-debtor Defendant co-owner's interests in the real property commonly known as 40 Herrick Road, Southampton, New York 11968 (the "Property") free and clear of the Defendant's interest in the Property; (b) determining, in accordance with 11 U.S.C. § 363(j), that the Defendant's distributive interest in the net proceeds derived from a sale of the Property shall be in an amount equal to 50% of the net sale proceeds after paying, or making provision for, the payment of all liens, encumbrances or other interests, all closing adjustments, all costs and expenses incurred in connection with the sale of the Property and all real estate broker fees; and (c) determining that, to the extent there is any lien, encumbrance or other interest against the Property for which the Estate and the Defendant are not jointly obligated for payment, said lien, encumbrance or other interest shall be satisfied solely out of the distributive share of the party obligated to satisfy such obligation.

**Dated: Central Islip, New York
October 2, 2018**




Robert E. Grossman
United States Bankruptcy Judge